

Document Page 1 of 9  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE:

SHARON R. WALKER

Debtor

Address: 7817 Breaker Point Court

Chesterfield, VA 23832

Last four digits of Social Security No.(s): XXX-XX-8665

BCN #: 17-30357-KRH

Chapter: 7

NOTICE OF MOTION

HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1 has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before February 20, 2017, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street  
Room 4000  
Richmond, VA 23219

You must also mail a copy to:

LINDSEY C. KELLY, ESQ.  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777

LINDSEY C. KELLY, ESQ.

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320 Attorneys for HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1

- Attend the hearing on the motion or objection scheduled to be held on March 22, 2017 at the United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219 in Courtroom 5000 at 11:00 AM.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

17-263910

Dated: February 6, 2017

SHAPIRO & BROWN, LLP  
Attorneys for HSBC Bank USA, National Association as  
Trustee for Merrill Lynch Mortgage Investors, INC.,  
Mortgage Pass-Through Certificates, MANA Series 2007-  
A1

By: /s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
VSB #85242  
R.A. Hurley, Esquire  
VSB #78616  
William M. Savage, Esquire  
VSB #06335  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777

CERTIFICATE OF SERVICE

I certify that I have this 6<sup>th</sup> day of February, 2017, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Christopher Mark Winslow  
Winslow & McCurry, PLLC  
1324 Sycamore Square, Suite 202C  
Midlothian, VA 23113

Peter J. Barrett  
Kutak Rock LLP  
1111 E. Main Street, Suite 800  
Richmond, VA 23219

Sharon R. Walker  
7817 Breaker Point Court  
Chesterfield, VA 23832

/s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
VSB #85242  
R.A. Hurley, Esquire  
VSB #78616  
William M. Savage, Esquire  
VSB #06335

United States Bankruptcy Court  
Eastern District of Virginia  
Richmond Division

In RE:  
Sharon R. Walker  
Debtor

BCN#: 17-30357-KRH  
Chapter: 7

---

HSBC Bank USA, National Association as  
Trustee for Merrill Lynch Mortgage  
Investors, INC., Mortgage Pass-Through  
Certificates, MANA Series 2007-A1  
or present noteholder,  
Movant/Secured Creditor,

Motion for Order Granting Relief from  
Automatic Stay

v.

Sharon R. Walker  
Debtor

and

Peter J. Barrett, Kutak Rock LLP  
Trustee  
Respondents

HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage  
Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1, and/or present  
noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to  
28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014;  
and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 7 Petition in Bankruptcy with this  
Court on January 24, 2017.

3. That Peter J. Barrett, Kutak Rock LLP has been appointed by this Court as the  
Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. That the subject deed of trust secures a parcel of real property (hereinafter “the  
Property”) with the address of 7817 Breaker Point Court, Chesterfield, VA 23832 and more

LINDSEY C. KELLY, ESQ.  
SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320 Attorneys for HSBC Bank USA, National Association as Trustee for Merrill  
Lynch Mortgage Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1

particularly described in the Deed of Trust dated October 25, 2006 and recorded as Deed Book 7433, Page 0487 among the land records of the said city/county, as:

ALL that certain lot, piece or parcel of land with improvements thereon and appurtenances thereunto belonging, lying and being in Chesterfield County, Virginia, known, numbered and designated as Lot 9, Block D, Section II of Ashbrook, all as more particularly described on subdivision entitled "Ashbrook, Section II", made by J. K. Timmons & Associates, Inc., dated November 6, 1986, and recorded in the Clerk's Office, Circuit Court of Chesterfield County, Virginia, in Plat Book 55, pages 49 through 53, reference to which plat is hereby made for a more particular description of the said property being conveyed herein.

BEING the same real estate conveyed to Sharon Rose Walker, married, and Tammi Munir and Ashaad Munir, husband and wife, by deed from Adam Hanners and Veronica Ellen Hanners, husband and wife, dated July 7, 2006, to be recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia, immediately prior hereto and simultaneously herewith.

5. Ocwen Loan Servicing, LLC services the underlying mortgage loan and note for the property referenced in this Motion for: HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1 (hereinafter, "noteholder") and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if the Debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, INC., Mortgage Pass-Through Certificates, MANA Series 2007-A1. The noteholder has the right to foreclose because (check the applicable below):

☐ Noteholder is the owner of the note.

☒ Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has

possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

\_\_\_ Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent, has possession of the promissory note and will enforce the promissory note as transferee in possession.

\_\_\_ Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder is unable to find the promissory note and will seek to prove the promissory note through the filing of a lost note affidavit.

\_\_\_ Noteholder is the successor trustee and transferee in possession of the security instrument for the referenced loan.

6. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

7. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust.

As of February 3, 2017, the Debtor is due for:

- o 3 monthly payments of \$1,060.39 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$750.00
- o Bankruptcy Costs of \$181.00
- o Suspense Balance of -\$230.00
- o Total of: \$3,882.17

8. That the value of the Property is \$170,900.00 based on the county's tax assessed value of the Property for 2017.

9. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic Stay from going forward with these proceedings.

10. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

11. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

12. That the Movant has requested that the Court hear this matter on March 22, 2017 at 11:00 AM.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorney's fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: February 6, 2017

SHAPIRO & BROWN, LLP  
Attorneys for Movant

By: /s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
VSB #85242  
R.A. Hurley, Esquire  
VSB #78616  
William M. Savage, Esquire  
VSB #06335  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777 17-263910

### NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: March 22, 2017 at 11:00 AM in Courtroom 5000, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: February 6, 2017

SHAPIRO & BROWN, LLP  
ATTORNEYS FOR THE MOVANT

/s/ R.A. Hurley

BY: Lindsey C. Kelly, Esquire

VSB #71314

James R. Meizanis, Esquire

VSB #80692

Gregory N. Britto, Esquire

VSB #23476

Daniel Eisenhauer, Esquire

VSB #85242

R.A. Hurley, Esquire

VSB #78616

William M. Savage, Esquire

VSB #06335

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320

(757) 687-8777 17-263910

Counsel for HSBC Bank USA, National

Association as Trustee for Merrill Lynch Mortgage

Investors, INC., Mortgage Pass-Through

Certificates, MANA Series 2007-A1

Certificate of Service

I certify that I have this 6<sup>th</sup> day of February, 2017, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Christopher Mark Winslow  
Winslow & McCurry, PLLC  
1324 Sycamore Square, Suite 202C  
Midlothian, VA 23113

Peter J. Barrett  
Kutak Rock LLP  
1111 E. Main Street, Suite 800  
Richmond, VA 23219

Sharon R. Walker  
7817 Breaker Point Court  
Chesterfield, VA 23832

/s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
VSB #85242  
R.A. Hurley, Esquire  
VSB #78616  
William M. Savage, Esquire  
VSB #06335

17-263910